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SOBUTKA, PHILIP

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 16

Application Number: 09/286,087
Filing Date: April 02, 1999
Appellant(s): GAN ET AL.

William M Lee, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 18, 2002.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1-5, 7-16 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,956,637	Ericsson et al	9-1999
6,021,327	Nguyen et al	2-2000
5,982,757		

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3,5,7-10,13,14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ericsson et al (US 5,956,637).

Consider claims 1-3,5,13,14. Ericsson teaches migrating data corresponding to subscriber identities between two or more HLR's (Ericsson see especially col 3, lines 10-37). Note that Ericsson teaches diverting transactions from one HLR to the other HLR where the subscriber is active (Ericsson, see especially col 4, lines 28-47). Therefore, the data in the first HLR would be in standby, while the second is active. Note that there is no indication in Ericsson that the data records for other subscriber would cease to be active.

As to claim 7, note that the transfer would effectively "disable" the data in the first HLR (Ericsson see especially see especially col 14, lines 11-62).

As to claims 8-10, note that the routing pointer in the first HLR would effectively change the data in the first HLR to "standby" while the data in the second data HLR would be active (Ericsson see especially see especially col 14, lines 11-62).

Claims 11,12,15,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericsson et al.

Ericsson teaches everything claimed as shown above except for the method being stored as a program on a computer readable medium. Official Notice is taken that it is notoriously well known in the art to store methods as programs on a computer readable medium. It would have been obvious to one of ordinary skill in the art to

modify Ericsson to store the method as a program on a computer readable medium in order to allow the method to be easily and quickly transferred to another system.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ericsson et al (US 5,956,637) in view of Nguyen (US 6,021,327).

Ericsson teaches everything claimed as shown above except for the data being deleted from the first HLR. Nguyen teaches deleting data from a location register in which a subscriber is no longer active (Nguyen col 1, lines 45-57). It would have been obvious to one of ordinary skill in the art to modify Ericsson to delete the subscriber data from a register where the subscriber was no longer active in order to prevent the registers from filling the databases with information that is no longer needed.

(11) Response to Argument

In view of appellant's arguments and to reduce the issues in the appeal, the rejections under Houde have been removed.

Regarding Ericsson, the examiner disputes appellant's arguments regarding the "backup" of HLR data as being relevant to the claims, since "backup" data is in fact never mentioned in the claims. Instead, the appellant specifically claims active and standby data in HLR nodes. It should here be noted that in mobile communications subscriber data is stored in a database node referred to in the art as an HLR or home location register. The HLR provides data storage for the subscriber's "home" area. When the subscriber roams to, or "visits", an area served by another HLR node, the subscriber data is transferred to the other HLR into a database referred to as a VLR or

visitor location register. In order to ensure that calls and services are delivered to the area where the subscriber is active, the system treats the VLR data as active while the data in the HLR is in effect in standby. The examiner maintains that this HLR/VLR data transfer, as shown in Ericsson, is indistinguishable from appellant's claims. As to the fact that the appellant's claims refer to two HLR's rather than Ericsson's HLR/VLR, it should be noted that the HLR is considered to include the VLR. That is, the VLR could just represent a portion of the database storage at a particular node. They are commonly shown as one unit as for example in Ericsson's figure 8, items 45,46,47. Note also that Ericsson refers to the VLR simply as part of the data node, as in col 6, line 64 – col 7, line 10. Thus while Ericsson does indeed permanently transfer data from one HLR to another, it is not this permanent transfer that the examiner is referring to, rather the HLR/VLR situation as explained above. Therefore appellant's arguments regarding Ericsson are not convincing.

As to the rejection of claims 11,12,15,16, the examiner agrees with the appellant that the claims stands or falls with the rejection of 1-3,5,13 and 14. Nevertheless, Curtis (US 5,982,757) has been cited to support the examiner's taking official notice of the fact that it is well known to store methods as computer programs on computer readable medium. This is shown in column 2, lines 3-7.

As to the rejection of claims 4, the examiner agrees with the appellant that the claim stands or falls with the rejection of 1-3,5,13 and 14.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Philip Sobutka
January 25, 2003

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